

## CHAPTER XIV

### ADMINISTRATIVE SANCTIONS

#### 14-100 Individual Responsibility

All personnel, civilian or military, of the Department of Defense are responsible individually for complying with the provisions of this Regulation.

#### 14-101 Violations Subject to Sanctions

a. DoD Military and civilian personnel are subject to administrative sanctions if they:

1. Knowingly and willfully classify or continue the classification of information in violation of E.O. 12356 (reference (g)), any implementing issuances, or this Regulation;

2. Knowingly, willfully, or negligently disclose to unauthorized persons information properly classified under reference (g) or prior orders; or

3. Knowingly and willfully violate any other provision of reference (g), any implementing issuances or this Regulation.

b. Sanctions include but are not limited to a warning notice, reprimand, termination of classification authority, suspension without pay, forfeiture of pay, removal or discharge, and will be imposed upon any person, regardless of office or level of employment, who is responsible for a violation specified under this paragraph as determined appropriate under applicable law and DoD regulations. Nothing in this Regulation prohibits or limits action under the Uniform Code of Military Justice (reference (zz)) based upon violations of that Code.

c. THE SANCTIONS IN RESPONSE TO COMPROMISES OR VIOLATIONS OF CLASSIFIED INFORMATION SHALL BE AS FOLLOWS:

##### 1. NONPUNITIVE MEASURES

##### (a) CIVILIAN PERSONNEL

(1) FIRST SANCTION. WRITTEN ADMONITION BY THE SUPERVISOR OR HIGHER AUTHORITY AND AN ORAL ADMONITION OF THE CONSEQUENCES OF FURTHER VIOLATIONS. BEFORE GIVING THE ADMONISHMENT, THE SUPERVISOR SHALL ENSURE THAT HE OR SHE IS IN POSSESSION OF ALL FACTS, SHALL AFFORD THE PERSON AN OPPORTUNITY TO REBUT THE FACTS, AND SHALL ENSURE THAT THE HEAD OF THE OSD COMPONENT CONCERNED HAS APPROVED THE ADMONITION. A COPY OF THE ADMONISHMENT SHALL BE PROVIDED TO THE DIRECTOR, PSD .

(2) SECOND SANCTION. LETTER OF REPRIMAND BY THE HEAD OF THE OSD COMPONENT CONCERNED. A COPY OF THE PROPOSED LETTER SHALL BE PROVIDED TO THE PERSON SO THAT HE OR SHE MAY REPLY TO THE MERITS AND ACCURACY OF ITS CONTENT. THE LETTER AND REPLY SHALL BE REVIEWED BY THE HEAD OF THE OSD

COMPONENT , WHO THEN SHALL NOTIFY THE PERSON WHETHER THE LETTER HAS BEEN APPROVED OR DISAPPROVED. A COPY OF THIS LETTER SHALL BE PLACED IN THE PERSON ' S PERSONNEL FILE FOR A PERIOD OF 90 DAYS.

(b) MILITARY PERSONNEL . ARMY REGULATION 27-10, "MILITARY JUSTICE , " AND AIR FORCE REGULATION 35-32, "UNFAVORABLE INFORMATION FILES , CONTROL ROSTERS, ADMINISTRATIVE REPRIMANDS AND ADMONITIONS, " (REFERENCES (TTT) and (UUU) ), RECOGNIZE LETTERS OF ADMONITION AND REPRIMAND . THE NAVY AND MARINE CORPS "JUDGE ADVOCATE GENERAL MANUAL" (REFERENCE (VW) ) REQUIRES THAT LETTERS OF CENSURE BE CHARACTERIZED AS LETTERS OF CAUTION OR INSTRUCTION AS OPPOSED TO LETTERS OF ADMONITION OR REPRIMAND.

(1) FIRST SANCTION. THE SAME AS THAT FOR CIVILIAN PERSONNEL.

(2) SECOND SANCTION. THE SAME AS THAT FOR CIVILIAN PERSONNEL, EXCEPT THAT THE LETTER SHALL BE PLACED IN THE PERSON ' S PERSONNEL SECURITY FILE.

## 2. PUNITIVE MEASURES

### (a) CIVILIAN PERSONNEL

(1) THIRD SANCTION. SUSPENSION WITHOUT PAY FOR NOT LESS THAN 1 DAY AND NOT MORE THAN 5 DAYS.

(2) FOURTH SANCTION . SUSPENSION WITHOUT PAY FOR NOT LESS THAN 2 WEEKS AND CONSIDERATION OF THE REVOCATION OF THE PERSON ' S SECURITY CLEARANCE , OR TERMINATION OF EMPLOYMENT OR AFFILIATION.

### (b) MILITARY PERSONNEL

(1) THIRD SANCTION . REFERRAL OF THE VIOLATION TO THE PERSON ' S PARENT MILITARY SERVICE FOR DISCIPLINARY ACTION .

(2) FOURTH SANCTION . REASSIGNMENT OF THE PERSON TO HIS OR HER PARENT MILITARY SERVICE .

d. OSD PERSONNEL DETAILED TO ANOTHER GOVERNMENT AGENCY. OSD CIVILIAN AND MILITARY PERSONNEL DETAILED TO ANOTHER GOVERNMENT AGENCY SHALL BE SUBJECT TO THE SECURITY REGULATIONS OF THAT AGENCY. THE HEAD OF THE AGENCY SHALL BE REQUESTED TO PROVIDE THE DIRECTOR, WHS , WITH A REPORT ON THE VIOLATION AND ANY RECOMMENDATION DEEMED PROPER .

e. PERSONNEL DETAILED FROM ANOTHER AGENCY TO AN OSD COMPONENT. PERSONNEL DETAILED FROM ANOTHER GOVERNMENT AGENCY SHALL BE SUBJECT TO THE ADMINISTRATIVE SANCTIONS OF THIS INSTRUCTION. THE DIRECTOR , PSD , SHALL NOTIFY THE DIRECTOR, WHS , FOR PROPER ACTION.

f. DISMISSAL. ANY PERSON ' S BREACH OF SECURITY REGULATIONS MAY BE SERIOUS ENOUGH TO WARRANT GREATER SANCTIONS THAN THE MINIMUM SANCTIONS PRESCRIBED IN THIS ENCLOSURE UP TO AND INCLUDING THE SEPARATION OF A PERSON FROM EMPLOYMENT, POSSIBLE CRIMINAL PROSECUTION , OR ACTION UNDER THE UNIFORM CODE OF MILITARY JUSTICE (REFERENCE (XXX) ) .

#### 14-102 Corrective Action

The Secretary of Defense, the Secretaries of the Military Departments, and the heads of other DoD Components shall ensure that appropriate and prompt corrective action is taken whenever a violation under paragraph 14-101 a. occurs or repeated administrative discrepancies or repeated disregard of requirements of this Regulation occur (see subsection 14-103). Commanders and supervisors, in consultation with appropriate legal counsel, shall utilize all appropriate criminal, civil, and administrative enforcement remedies against employees who violate the law and security requirements as set forth in this Regulation and other pertinent DoD issuances.

#### 14-103 Administrative Discrepancies

Repeated administrative discrepancies in the marking and handling of classified information and material such as failure to show classification authority; failure to apply internal classification markings; failure to adhere to the requirements of this Regulation that pertain to dissemination, storage, accountability, and destruction, and "that are determined not to constitute a violation under paragraph 14-101 a. may be grounds for adverse administrative action including warning, admonition, reprimand or termination of classification authority as determined appropriate under applicable policies and procedures.

#### 14-104 Reporting Violations

a. Whenever a violation under paragraph 14-101 a. 2. occurs, the Director of Counterintelligence and Investigative Programs, ODUSD(P) shall be informed of the date and general nature of the occurrence including the relevant parts of this Regulation, the sanctions imposed, and the corrective action taken. Whenever a violation under subparagraph 14-101 a. 1. or 3. occurs, the Director of Security Plans and Programs, ODUSD(P) shall be provided the same information. Notification of such violations shall be furnished to the Director of the IS00 in accordance with Section 5.4(d) of E.O. 12356 (reference (g)) by the ODUSD(P).

b. Any action resulting in unauthorized disclosure of properly classified information that constitutes a violation of the criminal statutes and evidence reflected in classified information of possible violations of federal criminal law by a DoD employee and of possible violations by any other person of those federal criminal laws specified in guidelines adopted by the Attorney General shall be the subject of a report processed in accordance with DoD Directive 5210.50 (reference (pp)) and DoD Instruction 5240.4 (reference (00)).

c. Any action reported under paragraph b., above, shall be reported to the Attorney General by the General Counsel, Department of Defense.

d. Reports shall be made to appropriate counterintelligence, investigative, and personnel security authorities concerning any employee who is known to have been responsible for repeated security violations over a period of a year, for appropriate evaluation", including readjudication of the employee's security clearance.